

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 12, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMANDA TERCIA PALMER,
Plaintiff,

v.

VENETIA TONIA DAYLE,
Defendant.

No. 2:24-CV-146-MKD
ORDER OF DISMISSAL

Plaintiff commenced this action on May 3, 2024, ECF No. 1, and applied to proceed *in forma pauperis*, ECF No. 3. On May 20, 2024, the Court denied Plaintiff's *in forma pauperis* application as "incomplete." ECF No. 4. The Court instructed Plaintiff to, within thirty days, "submit a new Application including the household income to proceed *in forma pauperis* or pay the full filing fee." *Id.*

Plaintiff filed an Amended Complaint on June 20, 2024, ECF No. 5, and again applied to proceed *in forma pauperis*, ECF No. 7. On July 5, 2024, the Court denied Plaintiff's *in forma pauperis* application, noting it "remains incomplete." ECF No. 8 at 2. The Court instructed Plaintiff to, within thirty days, "submit a

1 new Application including the household income to proceed *in forma pauperis* or
2 pay the full filing fee.” *Id.* To date, Plaintiff has neither submitted a new
3 application nor paid the filing fee.

4 Parties filing actions in the United States District Court are required to pay
5 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
6 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
7 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
8 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
9 Cir. 1995) (district court has authority to dismiss without prejudice a complaint for
10 failure to pay filing fee).

11 Accordingly, **IT IS HEREBY ORDERED:**

- 12 1. This action is **DISMISSED WITHOUT PREJUDICE** for failing to
13 pay the filing fee or filing a completed application to proceed *in forma*
14 *pauperis*.¹
- 15 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
16 of this Order would not be taken in good faith and would lack any
17 arguable basis in law or fact.

18 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
19 Order, **enter judgment**, provide copies to the parties, and **CLOSE** the file.

1 DATED August 12, 2024.

2 s/Mary K. Dimke

3 MARY K. DIMKE

4 UNITED STATES DISTRICT JUDGE